

ALLEGED SHIPMENT: On or about September 13, 1943, by Joe Thompson from Nash, N. Dak.

PRODUCT: 198 bags of potatoes at Springfield, Mo.

LABEL, IN PART: "110 lbs. net Northern Flight Far North Seed and Table Potatoes Walsh County, N. D."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), in that the statement "100 lbs. net," appearing in the labeling, was false and misleading as applied to an article that was short-weight; and, Section 403 (e) (2), in that the product was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: January 24, 1944. Malcolm Haseltine, claimant, doing business as the Haseltine Fruit Co., Springfield, Mo., having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for salvaging under the supervision of the Food & Drug Administration. The product was resacked.

5938. Adulteration of sauerkraut. U. S. v. 77 Cases and 110 Jars of Sauerkraut. Default decrees of condemnation and destruction. (F. D. C. Nos. 11303, 11304, 11718. Sample Nos. 14887-F, 39262-F, 53909-F.)

LABELS FILED: December 10 and 20, 1943, Southern District of California.

ALLEGED SHIPMENT: On or about July 17, 1943, by the Coe Sales Co., Phoenix, Ariz.

PRODUCT: 77 cases, each containing 12 quart jars, and 110 quart jars of sauerkraut at Los Angeles, Calif.

LABEL, IN PART: "Scott Co. Sauer Kraut * * * Packed by Morgan Packing Co. Austin, Ind."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of decomposed substances by reason of the presence of moldy and decomposed sauerkraut.

DISPOSITION: January 6 and 18, 1944. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

5939. Adulteration of sauerkraut. U. S. v. 101 Cases of Sauerkraut. Default decree of condemnation and destruction. (F. D. C. No. 11066. Sample No. 42582-F.)

LABEL FILED: November 9, 1943, Western District of Washington.

ALLEGED SHIPMENT: On or about March 4, 1943, by the Goldsmith Pickle Co., Chicago, Ill.

PRODUCT: 101 cases, each containing 12 jars, of sauerkraut at Hoquiam, Wash.

LABEL, IN PART: "Goldsmith Brand Sauerkraut."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of mold and discolored, musty sauerkraut.

DISPOSITION: January 6, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5940. Adulteration of canned spinach. U. S. v. 205 Cases of Spinach. Default decree of condemnation. Product ordered sold to the highest bidder, for reclamation by sorting. (F. D. C. No. 10832. Sample No. 6999-F.)

LABEL FILED: September 24, 1943, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about July 6, 1943, by the Arkansas Valley Canning Co., Van Buren, Ark.

PRODUCT: 205 cases of spinach at St. Louis, Mo.

LABEL, IN PART: "Haase's Brand Early Garden Spinach A. C. L. Haase Co. Distributors, St. Louis, Mo."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), this product consisted in whole or in part of a decomposed substance.

DISPOSITION: December 2, 1943. A default decree of condemnation was entered and the product was ordered sold to the highest bidder, for reclamation by sorting.

5941. Adulteration of vegetable cocktail. U. S. v. 10 Cases and 7 Cases of Vegetable Cocktail. Default decree of condemnation and destruction. (F. D. C. No. 10795. Sample No. 31091-F.)

LABEL FILED: September 20, 1943, Eastern District of Washington.

ALLEGED SHIPMENT: On or about July 29, 1941, by the Barron-Gray Packing Co., San Jose, Calif.

PRODUCT: 10 cases, each containing 24 cans, and 7 cases, each containing 12 cans, of vegetable cocktail at Yakima, Wash.

LABEL, IN PART: "Here's Health Brand Vegetable Cocktail Blended juices of Tomatoes, Carrots, Celery, Parsley."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: November 19, 1943. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

TOMATOES AND TOMATO PRODUCTS

5942. Adulteration of canned tomatoes. U. S. v. 402 Cases of Canned Tomatoes. Decree of condemnation. Product ordered released for sorting and repacking of fit portion, and destruction of remainder. (F. D. C. No. 11507. Sample No. 63059-F.)

LIBEL FILED: December 27, 1943, Eastern District of Illinois.

ALLEGED SHIPMENT: On or about March 26 and September 21, 1942, by the Hougland Packing Co., of Franklin, Ind., from Terre Haute, Ind.

PRODUCT: 402 cases, each containing 6 No. 10 cans, of tomatoes, at Mattoon, Ill.

LABEL, IN PART: (Cans) "Farmers Pride Brand Tomatoes Packed for Hulman & Co. Terre Haute, Ind.—Mattoon, Ill.—Evansville, Ind."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the article was unfit for food in that a portion of the cans had burst and were leaking, or were swelled preliminary to bursting, and some were rusted.

DISPOSITION: January 6, 1944. Hulman & Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released for sorting and repacking of the fit portion and destruction of the remainder, under the supervision of the Food and Drug Administration.

5943. Misbranding of canned tomatoes. U. S. v. 998 Cases and 748 Cases of Tomatoes. Consent decrees of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 10848. Sample No. 41103-F, 41104-F.)

LIBEL FILED: October 4, 1943, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about July 31, 1943, by Lee Akin & Sons, McAllen, Tex.

PRODUCT: 1,746 cases, each containing 24 cans, of tomatoes at New Orleans, La.

LABEL, IN PART: "Iona Tomatoes * * * Standard Quality Grade C The Great Atlantic & Pacific Tea Co., New York, N. Y., Distributors," or "Sunny South Brand Hand Picked Tomatoes Packed By Lee Akin & Sons McAllen Mission Texas."

VIOLATION CHARGED: Misbranding, Section 403 (h) (1), the article was sub-standard in quality because the strength and redness of color of the tomatoes failed to meet the requirements for color prescribed in the standard; and also because tomato peel per pound of canned tomatoes exceeded the amount permitted for standard quality canned tomatoes, and its label failed to bear the required legend showing that the product fell below the standard.

DISPOSITION: December 1, 1943. Lee Akin & Sons, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling.

5944. Misbranding of tomatoes. U. S. v. 299 Cases of Canned Tomatoes. Decree of condemnation. Product ordered released under bond to be brought into compliance with the law. (F. D. C. No. 10971. Sample No. 41505-F.)

LIBEL FILED: On or about November 2, 1943, Western District of Louisiana.

ALLEGED SHIPMENT: On or about June 29, 1943, by Tyrrell & Garth, Inc., Los Fresnos, Tex.

PRODUCT: 299 cases of canned tomatoes at Lake Charles, La.

LABEL, IN PART: "Garth Brand Standard Tomatoes."

VIOLATION CHARGED: Misbranding, Section 403(h)(1), the product was sub-standard in quality because the strength and redness of color of the tomatoes in the containers failed to meet the requirements for color prescribed by the regulations.